

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Lathrop et al.)	Examiner:
)	Gary W. Counts
Serial No.	: 10/823,888)	
)	Art Unit:
Cnfrm. No.	: 7107)	1641
)	
Filed	: April 14, 2004)	
)	
For	: METHODS FOR IDENTIFYING LIGANDS)	
	SPECIFIC FOR STRUCTURAL ISOFORMS)	
	OF PROTEINS)	
)	

DECLARATION OF JULIA T. LATHROP UNDER 37 C.F.R. § 1.132

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Julia T. Lathrop, pursuant to 37 C.F.R. § 1.132, hereby declare:

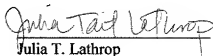
1. I am one of the co-inventors of the present application. The other named co-inventors are David J. Hammond, Larisa Cervenakova, Liliana Gheorghiu, and Oksana Yakovleva.
2. I am presenting this declaration to demonstrate that U.S. Patent Application Publ. No. 2004/0229280 ("the '280 publication") is not available as prior art against the present application. The inventors named on the '280 publication include David J. Hammond, Larisa Cervenakova, Ruben Carbonell, and me.
3. Ruben Carbonell is the only inventor on the '280 publication who is not listed as an inventor on the present application. Mr. Carbonell did not contribute to the invention of the presently claimed subject matter (i.e., methods of identifying a ligand having binding specificity for a protein isoform in a sample).

4. While Example 1 of the '280 publication discloses the invention claimed in the present application, the claims of the '280 publication are directed to different subject matter. Claims 1-19 are directed to prion-binding ligands, claims 20-35 are directed to methods of detecting or removing prion protein in a sample, and claims 36 and 37 are directed to a composition that includes prion-binding ligands. None of the published claims of the '280 publication recite the method steps claimed in the present application. Thus, the '280 publication discloses, but does not claim, subject matter that is claimed in the present application.

5. The invention described and claimed in the present application, and disclosed in the '280 publication, was invented by me and my co-inventors.

6. I hereby declare that all statements made herein of our own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: December 12, 2007


Julia T. Lathrop